

SMITH & LOWNEY, P.L.L.C.

2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

October 17, 2016

Via Certified Mail – Return Receipt Requested

Attorney General Loretta E. Lynch
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

RECEIVED ON:

OCT 20 2016

ORC

EPA Region 10
Office of the Regional Administrator

Via Certified Mail – Return Receipt Requested

Attorney General – Citizen Suit Coordinator
Environmental and Natural Resources Division
Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, D.C. 20044-7415

Via Certified Mail – Return Receipt Requested

Administer Gina McCarthy
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, D.C. 20460

Via Certified Mail – Return Receipt Requested

Regional Administrator Dennis McLerran
U.S. Environmental Protection Agency, Region 10
1200 Sixth Ave., Suite 900
Seattle WA 98101

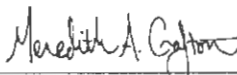
Re: *Waste Action Project v. Brown Line LLC*; W.D. Wash. No. 2:16-cv-01615-JLR

Dear Honorable Civil Servants,

Enclosed is a copy of the complaint filed on Friday, October 14, 2016 in the Western District of Washington in the above-named Clean Water Act citizen suit. This notice is provided to you pursuant to 40 C.F.R. § 135.4.

Sincerely,

SMITH & LOWNEY, P.L.L.C.

By: 
Meredith A. Crafton

CERTIFICATE OF SERVICE

I, Jessie Sherwood, certify under penalty of perjury of the laws of the State of Washington that on October 17, 2016, I served copies of the Complaint via United States Mail, postage prepaid with return receipt requested, upon the following:

Attorney General Loretta E. Lynch
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001

Citizen Suit Coordinator
Environmental & Natural Resources Division
Law & Policy Section
PO Box 7415
Ben Franklin Station
Washington, DC 20044-7415

Gina McCarthy
Administrator, U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460

Dennis J. McLerran
Regional Administrator
U.S. Environmental Protection Agency, Region 10
1200 Sixth Ave., Suite 900
Seattle, WA 98101

This certificate is being prepared and maintained according to standard protocol for this office.

Jessie Sherwood
Jessie Sherwood

10/17/2016
Date

CERTIFICATE OF SERVICE

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(206) 860-2883

Knoll Lowney
Meredith Crafton
SMITH & LOWNEY, PLLC
2317 East John Street
Seattle, Washington 98112
(206) 860-2883

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASTE ACTION PROJECT,)	
)	
Plaintiff,)	
v.)	COMPLAINT
)	
BROWN LINE, LLC.)	
)	
Defendant.)	
)	
)	

I. INTRODUCTION

1. This action is a citizen suit brought under Section 505 of the Clean Water Act ("CWA") as amended, 33 U.S.C. § 1365. Plaintiff Waste Action Project seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of costs, including attorneys' and expert witnesses' fees for Defendant Brown Line, LLC's ("Brown Line") repeated and ongoing violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and the terms and conditions of Brown Line's National Pollutant Discharge Elimination System ("NPDES") permit authorizing discharges of pollutants from Defendant's Mount Vernon, Washington, facility to navigable waters.

COMPLAINT - 1

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II. JURISDICTION AND VENUE

2. The Court has subject matter jurisdiction over Plaintiff's claims under Section 505(a) of the CWA, 33 U.S.C. § 1365(a). Sections 309(d) and 505(a) and (d) of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a) and (d) authorize the relief Plaintiff requests.

3. Under Section 505(b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A), Plaintiff notified Defendant of Defendant's violations of the CWA and of Plaintiff's intent to sue under the CWA by letter dated and postmarked July 29, 2016 and received by August 8, 2016 ("Notice Letter"). A copy of the Notice Letter is attached to this complaint as Exhibit 1. Plaintiff notified Defendant's Registered Agent, the Administrator of the United States Environmental Protection Agency ("USEPA"), the Administrator of USEPA Region 10, and the Director of the Washington Department of Ecology ("WDOE") of its intent to sue Defendant by mailing copies of the Notice Letter to these officials on July 29, 2016.

4. More than sixty days have passed since the notice was served and the violations complained of in the Notice Letter are continuing or are reasonably likely to continue to occur. Defendant is in violation of Brown Line's NPDES permit and the CWA. Neither the USEPA nor the WDOE has commenced any action constituting diligent prosecution to redress these violations.

5. The source of the violations complained of is located in Skagit County, Washington, within the Western District of Washington, and venue is therefore appropriate in the Western District of Washington pursuant to Section 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1), and 28 U.S.C. § 1391(b).

III. PARTIES

6. Plaintiff, Waste Action Project, is suing on behalf of itself and its member(s). Waste Action Project is a non-profit corporation organized under the laws of the State of Washington. Waste Action Project is a membership organization and has at least one member who is injured by Defendant's violations. Waste Action Project is dedicated to protecting and preserving the environment of Washington State, especially the quality of its waters.

7. Plaintiff has representational standing to bring this action. Waste Action Project's members are reasonably concerned about the effects of discharges of pollutants, including stormwater from Defendant's facility, on aquatic species and wildlife that Plaintiff's members observe, study, and enjoy. The recreational, scientific, economic, aesthetic and/or health interests of Waste Action Project and its member(s) have been, are being, and will be adversely affected by Defendant's violations of the CWA. The relief sought in this lawsuit can redress the injuries to these interests.

8. Plaintiff has organizational standing to bring this action. Plaintiff has been actively engaged in a variety of educational, advocacy, and restoration efforts to improve water quality and to address sources of water quality degradation in the waters of western Washington, including the Skagit River. Defendant has failed to fulfill monitoring, recordkeeping, reporting and planning requirements, among others, necessary for compliance with its NPDES permit and the CWA. As a result, Plaintiff is deprived of information necessary to properly serve its members by providing information and taking appropriate action. Plaintiff's efforts to educate and advocate for greater environmental protection, and to ensure the success of environmental restoration projects implemented for the benefit of its members are also precluded. Finally, Plaintiff and the public are deprived of information that influences members of the public to

1 become members of Waste Action Project, thereby reducing Waste Action Project's membership
2 numbers. Thus, Plaintiff's organizational interests have been adversely affected by Defendant's
3 violations. These injuries are fairly traceable to Defendant's violations and are redressable by
4 the Court.

5
6 9. Defendant, Brown Line, is a corporation incorporated in Washington State and
7 authorized to conduct business under the laws of the State of Washington. Brown Line is a
8 temperature-controlled transportation company that operates a facility located at or about 3814
9 Old Highway 99 South, Mount Vernon, WA 98273, including any contiguous or adjacent
10 properties owned or operated by Defendant (the "facility").
11

12 IV. LEGAL BACKGROUND

13 10. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of
14 pollutants by any person, unless in compliance with the provisions of the CWA. Section 301(a)
15 prohibits, inter alia, such discharges not authorized by, or in violation of, the terms of a NPDES
16 permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
17

18 11. The State of Washington has established a federally approved state NPDES
19 program administered by the WDOE. Wash. Rev. Code § 90.48.260; Wash. Admin. Code Ch.
20 173-220. This program was approved by the Administrator of the USEPA pursuant to 33 U.S.C.
21 § 1342(b).
22

23 12. The WDOE has repeatedly issued the Industrial Stormwater General Permit
24 ("Permit") under Section 402(a) of the CWA, 33 U.S.C. § 1342(a), most recently on October 21,
25 2009, effective January 1, 2010, modified May 16, 2012, effective July 1, 2012 (the "2010
26 Permit"), and again on December 3, 2014, effective January 2, 2015 (the "2015 Permit"). The
27 2010 Permit and the 2015 Permit (collectively, "the Permits") contain substantially similar
28

1 requirements and authorize those that obtain coverage thereunder to discharge stormwater
2 associated with industrial activity, a pollutant under the CWA, and other pollutants contained in
3 the stormwater to the waters of the State subject to certain terms and conditions.

4 13. The Permits impose certain terms and conditions on those covered thereby, including
5 monitoring and sampling of discharges, reporting and recordkeeping requirements, as well as
6 restrictions on the quality of stormwater discharges. To reduce and eliminate pollutant
7 concentrations in stormwater discharges, the Permits require, among other things, that permittees
8 develop and implement best management practices ("BMPs") and a Stormwater Pollution
9 Prevention Plan ("SWPPP"), and apply all known and reasonable methods of prevention,
10 control, and treatment ("AKART") to discharges. The specific terms and conditions of the
11 Permits are described in detail in the Notice Letter and are incorporated by reference herein. See
12 Exhibit 1.

13 V. FACTS

14 14. Pursuant to Condition S2 of the Permits, Brown Line filed with the WDOE an
15 Application for General Permit to Discharge Stormwater Associated with Industrial Activity.
16 WDOE granted Defendant coverage for operations of Brown Line under the General Permit for
17 Defendant's facility under Permit Number WAR000396. WDOE previously granted Defendant
18 coverage under an earlier version of the General Permit for Defendant's facility under Permit
19 Number S03000396.

20 15. Defendant's facility is engaged in industrial activity and discharges stormwater
21 and other pollutants to a ditch that drains into the Skagit River.

22 16. Discharges from Defendant's facility contribute to the polluted conditions of the
23 waters of the State, including the Skagit River. Discharges from Defendant's facility contribute

1 to the ecological impacts that result from the polluted state of these waters and to Plaintiff's and
2 their members' injuries resulting therefrom.

3 17. The vicinity of the facility and the receiving waters are used by the citizens of
4 Washington and visitors, as well as at least one of Plaintiff's members, for recreational activities,
5 including boating, fishing, nature watching and sightseeing. Plaintiff's member(s) also derive(s)
6 aesthetic benefits from the receiving waters. Plaintiff's and its members' enjoyment of these
7 activities and waters is diminished by the polluted state of the receiving waters and by
8 Defendant's contributions to such polluted state.
9

10 18. Defendant has violated the Permits and Sections 301(a) and 402 of the CWA, 33
11 U.S.C. §§ 1311(a) and 1342, by discharging pollutants in violation of an NPDES Permit.
12 Defendant's violations of the Permits and the CWA are set forth in full in sections I through VII
13 of the Notice Letter, attached hereto as Exhibit 1 and hereby incorporated by reference. In
14 particular and among the other violations described in the Notice Letter, Defendant has failed to
15 sample the discharge that accurately characterizes stormwater runoff from the facility, implement
16 best management practices to control stormwater quality, file complete and accurate annual
17 reports, limit illicit discharges, and properly complete corrective actions as required by the
18 Permits.
19

20 19. Defendant has discharged stormwater containing levels of pollutants that exceed
21 the benchmark values established by the Permits, including on the days on which Defendant
22 collected samples with the results identified in bold in Table 1 below.
23
24

Table 1: Brown Line Discharge Data

Calendar Quarter	Turbidity (Benchmark: 25 NTU)	Copper (Benchmark: 14 µg/L)	Zinc (Benchmark: 117 µg/L)
1Q 2010	25	B	B
2Q 2010	13.3	5	19

25 COMPLAINT - 6

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3Q2010	5.77	E	150
4Q 2010	17.5	E	89
1Q 2011	16.1	E	26
2Q 2011	23.6	19	170
3Q 2011	12.8	E	59
4Q 2011	11.2	E	26
1Q 2012	80.6	19	235
2Q 2012	7.11	E	73
3Q 2012	E	E	E
4Q 2012	106	28	260
1Q 2013	32.2	B	136
2Q 2013	81.2	B	141
3Q 2013	97.1	104	1933
4Q 2013	E	E	E
1Q 2014	45.8	B	346
2Q 2014	31.6	E	15
3Q 2014	23	E	78
4Q 2014	61.6	E	203
1Q 2015	18.2	E	118
2Q 2015	E	E	E
3Q 2015	33.6	B	70
4Q 2015	9.91	B	1030
1Q 2016	53.0	E	67
2Q 2016	9.9	B	1020

Reporting Codes Used: E - Analysis Not Complete/ Not Conducted/Not Reported; B - Below Detection Limit/No Detection.

In addition, Defendant discharged stormwater containing 12.6 mg/L oil and grease during third quarter 2013.

20. Defendant's stormwater discharges are causing or contributing to violations of water quality standards and therefore violate the Permits. Discharges of stormwater and/or wastewater from the facility that cause and/or contribute to violations of water quality standards for zinc, copper, oil sheen, petroleum hydrocarbons, and turbidity, in violation of the Permits, have occurred during the last five years and continue to occur each and every day on which there was 0.1 inch or more of precipitation. Defendant's water quality standard violations are further

1 set forth in section I of the Notice Letter attached hereto as Exhibit 1 and are incorporated herein
2 by this reference.

3 21. Defendant provided Plaintiff with access to a copy of Defendant's most recent
4 stormwater pollution prevention plan (SWPPP) on August 12, 2016.

5 22. Defendant's SWPPP continues to fail to meet a number of minimum requirements
6 set forth in Condition S3 of the Permits. Condition S3.B.4.a of the Permits requires Defendant's
7 SWPPP to describe each BMP selected and explain in detail how and where the selected BMPs
8 will be implemented. Defendant is in violation of these Permit conditions because Defendant's
9 SWPPP fails to identify which BMPs the Defendant has selected or explain in detail how and
10 where those selected BMPs will be implemented at the facility. Condition S3.B.2.c of the
11 Permits requires Defendant to include an inventory of materials in its SWPPP. Defendant is in
12 violation of these Permit conditions because it fails to include an inventory of materials in its
13 SWPPP that lists the type of materials handled at the site that potentially may be exposed to
14 precipitation or runoff. Condition S3.B.4.b.i.5 of the Permits requires Defendant to include
15 certain information on employee training. Defendant is in violation of these Permit conditions
16 because its SWPPP does not include any information on how Defendant will conduct training,
17 the frequency/schedule of training, or a log of the dates on which specific employees received
18 training. Condition S3.B.4.b.iii requires the Defendant to include treatment BMPs in its SWPPP.
19 Defendant is in violation of these Permit conditions for failing to include adequate treatment
20 BMPs in its SWPPP. Defendant has violated these requirements of the Permits each and every
21 day during the last five years. Defendant's violations of Condition S3 are further explained in
22 section II of the Notice Letter attached hereto as Exhibit 1 and hereby incorporated by reference.
23
24
25
26
27
28

1 23. Condition S4.B of the Permits requires Defendant to collect a sample of its
2 stormwater discharge once during every calendar quarter. Conditions S3.B.5.b and S4.B.2.c of
3 the Permits require Brown Line to collect stormwater samples at each distinct point of discharge
4 offsite. Defendant is in violation of these Permit conditions because it fails to collect stormwater
5 discharge samples at each distinct point of discharges, as required.
6

7 24. Defendant has violated the monitoring and reporting requirements in the Permits
8 as outlined in section III of the notice letter attached hereto as Exhibit 1 and incorporated herein
9 by this reference. These violations include Defendant's failure to collect stormwater samples
10 and/or submit discharge monitoring reports during all quarters as required by the Permits, its
11 failure to analyze levels of petroleum hydrocarbons in its discharges, and its failure to accurately
12 report its discharges, including reporting its metals concentrations in the wrong units, as detailed
13 in Table 1 of the notice letter, Exhibit 1.
14

15 25. Condition S7.A of the Permits requires Defendant to conduct monthly visual
16 inspections at the facility by qualified personnel. Brown Line is in violation of these
17 requirements because, during the last five years, it has failed to conduct each of the requisite
18 visual monitoring and inspections, failed to prepare and maintain the requisite inspection reports
19 or checklists for each visual monitoring and inspection, and failed to make the requisite
20 certifications and summaries for each visual monitoring and inspection. These requirements of
21 the Permits and Defendant's violations thereof are further described in section III of the Notice
22 Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.
23
24

25 26. Defendant did not conduct and/or complete the corrective action responses as
26 required by the Permits. These requirements of the Permits and Defendant's violations thereof
27
28
29

1 are described in section IV of the Notice Letter, attached hereto as Exhibit 1, and are
2 incorporated herein by this reference.

3 27. Condition S8.B of the Permits require a permittee to undertake specified actions
4 called "Level One Corrective Actions" each time quarterly stormwater sample results exceed an
5 applicable benchmark valued identified in Condition S5 of the Permits. Condition S8.A of the
6 2015 Permit requires that Defendant implement any Level One Corrective Action required by the
7 2010 Permit.

9 28. Defendant triggered Level One Corrective Action requirements each and every
10 time quarterly stormwater sample results exceeded an applicable benchmark value, including
11 those exceedances identified in Table 1 above. Defendant violated the requirements of the
12 Permits by failing to conduct Level One Corrective Actions in accordance with Permit
13 conditions, including the required review, revision, and certification of the SWPPP, the required
14 implementation of additional BMPs, and the required summarization in the annual report, when
15 it exceeded benchmarks.
16

17
18 29. Condition S8.C of the Permits requires Defendant to take specified actions, called
19 a "Level Two Corrective Action," each time quarterly stormwater sample results exceed an
20 applicable benchmark value for any two quarters during a calendar year. Condition S8.A of the
21 2015 Permit further requires that Defendant implement any Level Two Corrective Action
22 required by the 2010 Permit.

23
24 30. Defendant triggered Level Two Corrective Action requirements each and every
25 time quarterly stormwater sample results exceeded an applicable benchmark value or were
26 outside the benchmark range for any one parameter for any two quarters during a calendar year.
27 Defendant failed to conduct Level Two Corrective Actions in accordance with permit conditions,
28

including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs to ensure that all points of discharge from the facility meet benchmarks (not just the sampled point of discharge), including additional structural source control BMPs, and the required summarization in the annual report. These violations include, but are not limited to, Defendant's failure to fulfill these obligations for turbidity, triggered by its stormwater sampling during the calendar year of 2012, 2013, 2014; copper, triggered by its stormwater sampling during the calendar year of 2012; and zinc, triggered by its stormwater sampling during the calendar year of 2012, 2013, 2014, and 2015.

31. Condition S8.D of the Permits requires Defendant take specified actions, called a "Level Three Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for any one parameter for any three quarters during a calendar year. Condition S8.A of the 2015 Permit requires that Defendant implement any Level Three Corrective Action required by the 2010 Permit.

32. Defendant triggered Level Three Corrective Action requirements every time in the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for any one parameter for any three quarters during a calendar year. Defendant has violated the Permits by failing to conduct Level Three Corrective Actions in accordance with permit conditions, including 1) review, revision and certification of the SWPPP; 2) implementation of additional BMPs to ensure that all points of discharge from the facility (not just the sampled point of discharge) meet benchmarks; 3) submission of an engineering report, plans, specifications, and an operations and maintenance plan prior to construction/installation, and 4) summarization in the annual report, each time its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for any one parameter for any

1 three quarters during a calendar year. As indicated in Table 1 above, these violations include,
2 but are not limited to, Defendant's failure to fulfill these obligations for turbidity and zinc in the
3 year 2013 and turbidity in the year 2014. Based on Defendant's consistent failure to meet
4 benchmarks, Defendant would have exceeded benchmarks and triggered Level Three Corrective
5 actions much earlier had Defendant monitored copper and petroleum hydrocarbons as required.
6

7 33. Condition S9.B of the Permits requires Defendant to submit an accurate and
8 complete annual report to WDOE no later than May 15th of each year that includes specific
9 information. Defendant has violated this condition by failing to include all of the required
10 information in the annual reports it submitted for the last five years, and by failing to timely
11 submit an Annual Report for 2013, 2014, and 2015. These reporting requirements and violations
12 are described in section V of the Notice Letter, attached hereto as Exhibit 1, and are incorporated
13 herein by this reference.
14

15 34. Condition S9.C of the Permits requires Brown Line to retain for a minimum of
16 five years copies of the Permits, Brown Line's Permit coverage letter, records of all sampling
17 information, inspection reports including required documentation, any other documentation of
18 compliance with permit requirements, all equipment calibration records, all BMP maintenance
19 records, all original recordings for continuous sampling instrumentation, copies of all laboratory
20 results, copies of all required reports, and records of all data used to complete the application for
21 the Permits. Upon information and belief, Brown Line is in violation of this condition because it
22 has failed to retain records of such information, reports, and other documentation as required.
23

24 35. Defendant has violated and continues to violate Condition S5.E of the Permits
25 which prohibits illicit discharges and the discharge of process wastewater. Appendix 2 of the
26 Permits defines "illicit discharges" to include "any *discharge* that is not composed entirely of
27
28

1 stormwater except (1) discharges authorized pursuant to a separate NPDES permit, or (2)
2 conditionally authorized non-stormwater discharge identified in Condition S5.D." Defendant has
3 violated and continues to violate these conditions by discharging from the facility pollutants
4 other than those contained in and carried by its industrial stormwater. This includes, but is not
5 limited to, track-out from vehicles leaving the site and discharges of wash water from the wheel
6 wash and/or other equipment washing areas as well as discharges of non-stormwater pollutants
7 from the facility. These violations are further described in section VII of the Notice Letter,
8 attached hereto as Exhibit I, and are incorporated herein by this reference.
9

10 36. A penalty should be imposed against Defendant pursuant to the penalty factors set
11 forth in 33 U.S.C. § 1319(d).
12

13 37. Defendant's violations of the CWA degrade the environment and the water
14 quality of the receiving water bodies.
15

16 38. Defendant has benefited economically as a consequence of its violations and its
17 failure to timely implement improvements at the facility.
18

19 VI. CAUSE OF ACTION

20 39. The preceding paragraphs are incorporated herein.

21 40. Defendant's violations of Brown Line's NPDES permit described herein and in
22 the Notice Letter constitute violations of sections 301 and 402 of the Clean Water Act, 33 U.S.C.
23 §§ 1311 and 1342, and violations of "effluent standard(s) or limitation(s)" as defined by section
24 505, 33 U.S.C. § 1365.
25

26 41. On information and belief, violations committed by Defendant are ongoing or are
27 reasonably likely to continue to occur. Any and all additional violations of the Permits and the
28

1 CWA which occur after those described in Plaintiff's Notice Letter but before a final decision in
2 this action should be considered continuing violations subject to this Complaint.

3 42. Without the imposition of appropriate civil penalties and the issuance of an
4 injunction, Defendant is likely to continue to violate the General Permit and the CWA to the
5 further injury of the Plaintiff, its member(s) and others.
6

7 43. A copy of this Complaint was served upon the Attorney General of the United
8 States and the Administrator of the USEPA as required by 33 U.S.C. § 1365(c)(3).
9

10 **VII. RELIEF REQUESTED**

11 Wherefore, Plaintiff respectfully requests that this Court grant the following relief:

12 A. Issue a declaratory judgment that Defendant has violated and continues to be in
13 violation of the Permits and Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311
14 and 1342;
15

16 B. Enjoin Defendant from operating the facility in a manner that results in further
17 violations of the Permits or the Clean Water Act;

18 C. Order Defendant to immediately implement a Storm Water Pollution Prevention
19 Plan that is in compliance with the Permits, and to provide Plaintiff with a copy of this Plan, and
20 to take other necessary actions to bring Defendant into compliance with the Clean Water Act;
21

22 D. Order Defendant to allow Plaintiff to participate in the development and
23 implementation of Defendant's Storm Water Pollution Prevention Plan;

24 E. Order Defendant to provide Plaintiff, for a period beginning on the date of the
25 Court's Order and running for one year after Defendant achieves compliance with all of the
26 conditions of the Permits, with copies of all reports and other documents which Defendant
27
28
29

1 submits to the USEPA or to the WDOE regarding Defendant's coverage under the Permits at the
2 time it is submitted to these authorities;

3 F. Order Defendant to take specific actions to remediate the environmental harm
4 caused by its violations;

5 G. Order Defendant to pay civil penalties of \$37,500.00 per day of violation for each
6 violation committed by Defendant through November 2, 2015 and \$51,570 per day of violation
7 for each violation committed by Defendant after November 2, 2015, pursuant to Sections 309(d)
8 and 505(a) of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19 and 19.4;
9

10 H. Award Plaintiff its litigation expenses, including reasonable attorneys' and expert
11 witnesses' fees, as authorized by Section 505(d) of the CWA, 33 U.S.C. § 1365(d); and
12

13 I. Award such other relief as this Court deems appropriate.
14

15 RESPECTFULLY SUBMITTED this 14th day of October, 2016.

16 SMITH & LOWNEY, PLLC

17 By: s/ Meredith A. Crafton
18 Meredith A. Crafton, WSBA #46558

19 By: s/ Knoll Lowney
20 Knoll Lowney, WSBA # 23457
21 Attorneys for Plaintiff
22 2317 E. John St.
23 Seattle, WA 98112
24 Tel: (206) 860-2883
25 Fax: (206) 860-4187
26 E-mail: knoll@igc.org, meredithe@igc.org
27
28
29

EXHIBIT 1

SMITH & LOWNEY, P.L.L.C.

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July 29, 2016

Via Certified Mail - Return Receipt Requested

Managing Agent
Brown Line LLC
3814 Old Highway 99 South
Mount Vernon WA 98273

Jack Hilde, President
Brownline Inc.
PO Box 1708
Mount Vernon WA 98273-1708

Lynden Incorporated
18000 International Blvd, Ste 800
Seattle, WA 98188-4263

**Re: NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT AND
REQUEST FOR COPY OF STORMWATER POLLUTION PREVENTION
PLAN**

Dear Managing Agent and Brown Line Facility Owner:

We represent Waste Action Project, PO Box 9281, Covington, WA 98042, (206) 849-5927. Any response or correspondence related to this matter should be directed to Smith & Lowney, P.L.L.C. at the letterhead address. This letter is to provide you with sixty days notice of Waste Action Project's intent to file a citizen suit against Brown Line, LLC and Brownline Inc. ("Brown Line") under section 505 of the Clean Water Act ("CWA"), 33 U.S.C. § 1365, for the violations described below. This letter is also a request for a copy of the complete and current stormwater pollution prevention plan ("SWPPP") required by Brown Line's National Pollution Discharge Elimination System ("NPDES") permit.

Brown Line was granted coverage effective December 28, 1992, under Washington's Industrial Stormwater General Permit ("ISGP") issued by the Washington Department of Ecology ("Ecology"). The presently applicable ISGP became effective September 20, 2002, was modified on December 1, 2004, reissued on August 15, 2007, effective September 15, 2007, reissued again on October 15, 2008, effective November 15, 2008, and remaining effective through December 31, 2009, under NPDES permit No. SO3000396 (the "2002 Permit"). Brown Line was granted coverage under the subsequent iteration of the Washington ISGP issued by Ecology on October 21, 2009, effective January 1, 2010,

modified May 16, 2012, effective July 1, 2012, and remaining effective through January 1, 2015, under NPDES Permit No. WAR000396 (the "2010 Permit"). Ecology granted coverage under the current iteration of the ISGP, issued by Ecology on December 3, 2014, effective January 2, 2015, and set to expire on December 31, 2019, (the "2015 Permit") and maintains the same permit number, WAR000396.

Brown Line has violated and continues to violate the terms and conditions of the 2010 Permit and 2015 Permit (collectively, the "Permits") with respect to operations of, and discharges of stormwater and pollutants from, its facility, located at or near 3814 Old Highway 99 South, Mount Vernon, WA 98273 (the "Facility"). The facility subject to this notice includes any contiguous or adjacent properties owned or operated by Brown Line.

I. COMPLIANCE WITH STANDARDS.

A. Violations of Water Quality Standards.

Condition S10.A of the Permits prohibit discharges that cause or contribute to violations of water quality standards. Water quality standards are the foundation of the CWA and Washington's efforts to protect clean water. In particular, water quality standards represent the U.S. Environmental Protection Agency ("EPA") and Ecology's determination, based on scientific studies, of the thresholds at which pollution starts to cause significant adverse effects on fish or other beneficial uses. For each water body in Washington, Ecology designates the "beneficial uses" that must be protected through the adoption of water quality standards.

A discharger must comply with both narrative and numeric water quality standards. WAC 173-201A-010; WAC 173-201A-510 ("No waste discharge permit can be issued that causes or contributes to a violation of water quality criteria, except as provided for in this chapter."). Narrative water quality standards provide legal mandates that supplement the numeric standards. Furthermore, narrative water quality standards apply with equal force, even when Ecology has established numeric water quality standards. Specifically, Condition S10.A of the Permits require Brown Line's discharges not cause or contribute to violations of Washington State's water quality standards.

Brown Line discharges stormwater to the Skagit River via a drainage ditch. Brown Line discharges stormwater that contains elevated levels of copper, zinc, and turbidity as indicated in the table of discharge monitoring data below. Discharges of stormwater and/or wastewater from the facility cause and/or contribute to violations of water quality standards for zinc, copper, oil sheen, petroleum hydrocarbons, and turbidity and have occurred each and every day during the last five years on which there was 0.1 inch or more of precipitation, and continue to occur. These water quality standards include those set forth in WAC 173-201A-200(1)(e), -240, and -260(2). Precipitation data from the last five years are appended to this notice of intent to sue and identify days when precipitation met or exceeded 0.1 inches per day.

**TABLE 1: DMR Data for Brown Line, Inc.
Outfall A (Alpha)**

2010 ISGP Benchmarks	Turb (25 NTU)	Cu (14 µg/L)	Zn (117 µg/L)	Oil sheen (No)	O&G	
1Q 2010	25	ND	ND*	No		
2Q 2010	13.3	5	19*	No		Metals reported as 0.005, 0.019
3Q 2010	5.77	NA	150*	No		Zn reported as 0.15
4Q 2010	17.5	NA	89*	No		Zn reported as 0.089
1Q 2011	16.1	NA	26*	No		Zn reported as 0.026
2Q 2011	23.6	19	170*	No		Metals reported as 0.17, 0.019
3Q 2011	12.8	NA	59*	No		Zn reported as 0.059
4Q 2011	11.2	NA	26*	No		Zn reported as 0.026
1Q 2012	80.6	19	235*	No		Metals reported as 0.019 and 0.235
2Q 2012	7.11	NA	73*	No		Z reported as 0.073
3Q 2012						"No measurable rain fall for the 3 rd quarter of 2012"
4Q 2012	106	28	260*	No		Zn and Cu reported as 0.260, 0.028
1Q 2013	32.2	0	136*	No		Zn reported as 0.136
2Q 2013	81.2	0	141*	No		Zn reported as 0.141
3Q 2013	97.1	104	1933*	No	12.6	Zn and Cu reported as 1.933, 0.104. Metals data in lab report shows units are mg/L.
4Q 2013						No DMR found
1Q 2014	45.8	0	346*	No		Zn reported as 0.346
2Q 2014	31.6	NA	15*	No		Zn reported as 0.015
3Q 2014	23	NA	78*	No		Zn reported at .078
4Q 2014	61.6		203*			
2015 ISGP Benchmarks	Turb (25 NTU)	Cu (14 µg/L)	Zn (117 µg/L)	Oil sheen (No)	TPH** (10mg/L)	
1Q 2015	18.2	NA	118*	No		Zn reported as 0.118
2Q 2015						"No Measurable rainfall on the 2 nd qtr"
3Q 2015	33.6	B	70*	No	E	Zn report as .070
4Q 2015	9.91	B	1030*	No	E	Zn reported at 1.03
1Q 2016	53.0	E	67	No	E	Zn reported at 67 µg/L
2Q 2016	9.9	0	1020*	No	E	Zn reported as 1.02

* It appears the facility reported its zinc and copper values in mg/L instead of µg/L, Waste Action Project converted the values to µg and included the reported result in the "Notes" column.

**TPH: Total Petroleum Hydrocarbons

Reporting Codes Used: E - Analysis Not Complete/ Not Conducted/Not Reported B - Below Detection Limit/No Detection

B. Compliance with Standards.

Condition S10.C of the Permits requires Brown Line to apply all known and reasonable methods of prevention, control and treatment ("AKART") to all discharges, including preparing and implementing an adequate SWPPP and best management practices ("BMPs"). Brown Line has violated and continues to violate these conditions by failing to apply AKART to its discharges by, among other things, failing to implement an adequate

SWPPP and BMPs as evidenced by the elevated levels of pollutants in its discharge. *See* Table 1. These violations have occurred on each and every day for the previous five years and continue to occur every day.

Condition S1.A of the Permits requires that all discharges and activities authorized be consistent with the terms and conditions of the permit. Brown Line has violated this condition by discharging and acting inconsistently with the conditions of the Permits as described in this Notice of Intent to Sue.

II. STORMWATER POLLUTION PREVENTION PLAN VIOLATIONS.

Brown Line has not developed and implemented a SWPPP that complies with the requirements of the Permits. In the following section, upon information and belief, Waste Action Project asserts that the SWPPP and its implementation violate the Permits as follows.

Condition S3.A.1 of the Permits requires Brown Line to develop and implement a SWPPP as specified in these permits. Condition S3.A.2 of the Permits require the SWPPP to specify BMPs necessary to provide AKART and ensure that discharges do not cause or contribute to violations of water quality standards. On information and belief, Brown Line has violated these requirements of the Permits each and every day during the last five years and continues to violate them as it has failed to prepare and/or implement a SWPPP that includes AKART and BMPs necessary to comply with state water quality standards.

Condition S3.A of the Permits requires Brown Line to have and implement a SWPPP that is consistent with permit requirements, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions. On information and belief, Brown Line has violated these requirements of the Permits each and every day during the last five years and continues to violate them because its SWPPP is not consistent with permit requirements, is not fully implemented, and has not been updated as necessary.

The SWPPP fails to satisfy the requirements of Condition S3 of the Permits because it does not adequately describe BMPs. Condition S3.B.4 of the Permits requires that the SWPPP include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. Condition S3.B.4 of the 2015 Permit requires that the SWPPP detail how and where the selected BMPs will be implemented. Condition S3.A.3 of the Permits requires that the SWPPP include BMPs consistent with approved stormwater technical manuals or document how stormwater BMPs included in the SWPPP are demonstratively equivalent to the practices contained in the approved stormwater technical manuals, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs. Brown Line's SWPPP does not comply with these requirements because it does not adequately describe and explain in detail the BMPs selected, does not include BMPs consistent with approved stormwater technical manuals, and does not include BMPs that are demonstratively equivalent to such BMPs with documentation of BMP adequacy.

Brown Line's SWPPP fails to satisfy the requirements of Condition S3.B.2 of the Permits because it fails to include a facility assessment. The SWPPP fails to include an adequate facility assessment because it does not describe the industrial activities conducted at the site, the general layout of the facility including buildings and storage of raw materials, the flow of goods and materials through the facility, the regular business hours, and the seasonal variations in business hours or in industrial activities.

Brown Line's SWPPP fails to satisfy the requirements of Condition S3.B.1 of the Permits because it does not include a site map that identifies significant features, the stormwater drainage and discharge structures, the stormwater drainage areas for each stormwater discharge point off-site, a unique identifying number for each discharge point, each sampling location with a unique identifying number, paved areas and buildings, areas of pollutant contact associated with specific industrial activities, conditionally approved non-stormwater discharges, surface water locations, areas of existing and potential soil erosion, vehicle maintenance areas, and lands and waters adjacent to the site that may be helpful in identifying discharge points or drainage routes.

Brown Line's SWPPP fails to comply with Condition S3.B.2.b of the Permits because it does not include an inventory of industrial activities that identifies all areas associated with industrial activities that have been or may potentially be sources of pollutants. The SWPPP does not identify all areas associated with loading and unloading of dry bulk materials or liquids, outdoor storage of materials or products, outdoor manufacturing and processing, onsite dust or particulate generating processes, on-site waste treatment, storage, or disposal, vehicle and equipment fueling, maintenance, and/or cleaning, roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, and roofs or other surfaces composed of materials that may be mobilized by stormwater as required by these permit conditions.

Brown Line's SWPPP does not comply with Condition S3.B.2.c of the Permits because it does not include an adequate inventory of materials. The SWPPP does not include an inventory of materials that lists the types of materials handled at the site that potentially may be exposed to precipitation or runoff and that could result in stormwater pollution, a short narrative for each material describing the potential for the pollutants to be present in stormwater discharge that is updated when data becomes available to verify the presence or absence of the pollutants, a narrative description of any potential sources of pollutants from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater as required. The SWPPP does not include the method and location of on-site storage or disposal of such materials and a list of significant spills and significant leaks of toxic or hazardous pollutants as these permit conditions require.

Brown Line's SWPPP does not comply with Condition S3.B.3 of the Permits because it does not identify specific individuals by name or title whose responsibilities include SWPPP development, implementation, maintenance and modification.

Condition S3.B.4 of the Permits requires that permittees include in their SWPPPs and implement certain mandatory BMPs unless site conditions render the BMP unnecessary.

infeasible, or an alternative and equally effective BMP are provided. Brown Line is in violation of this requirement because it has failed to include in its SWPPP and implement the mandatory BMPs of the Permits.

Brown Line's SWPPP does not comply with Condition S3.B.4.b.i of the Permits because it does not include required operational source control BMPs in the following categories: good housekeeping (including definition of ongoing maintenance and cleanup of areas that may contribute pollutants to stormwater discharges, and a schedule/frequency for each housekeeping task); preventive maintenance (including BMPs to inspect and maintain stormwater drainage and treatment facilities, source controls, treatment systems, and plant equipment and systems, and the schedule/frequency for each task); spill prevention and emergency cleanup plan (including BMPs to prevent spills that can contaminate stormwater, for material handling procedures, storage requirements, cleanup equipment and procedures, and spill logs); employee training (including an overview of what is in the SWPPP, how employees make a difference in complying with the SWPPP, spill response procedures, good housekeeping, maintenance requirements, material management practices, how training will be conducted, the frequency/schedule of training, and a log of the dates on which specific employees received training); inspections and recordkeeping (including documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping, including identification of personnel who conduct inspections, provision of a tracking or follow-up procedure to ensure that a report is prepared and appropriate action taken in response to visual monitoring, definition of how Brown Line will comply with signature and record retention requirements, certification of compliance with the SWPPP and Permit, and all inspection reports completed by Brown Line).

Brown Line's SWPPP does not comply with Condition S3.B.4.b.i.7 of the Permits because it does not include measures to identify and eliminate the discharge of process wastewater, domestic wastewater, noncontact cooling water, and other illicit discharges to stormwater sewers, or to surface waters and ground waters of the state.

Brown Line's SWPPP does not comply with Condition S3.B.4.b.ii of the Permits because it does not include required structural source control BMPs to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff. Brown Line's SWPPP does not comply with Condition S3.B.4.b.iii of the Permits because it does not include treatment BMPs as required.

Brown Line's SWPPP fails to comply with Condition S3.B.4.b.v of the Permits because it does not include BMPs to prevent the erosion of soils or other earthen materials and prevent off-site sedimentation and violations of water quality standards.

Brown Line's SWPPP fails to satisfy the requirements of Condition S3.B.5 of the Permits because it fails to include a stormwater sampling plan as required. The SWPPP does not include a sampling plan that identifies points of discharge to surface waters, storm sewers, or discrete ground water infiltration locations, documents why each discharge point is not sampled, identifies each sampling point by its unique identifying number, identifies staff responsible for conducting stormwater sampling, specifies procedures for sampling collection and handling, specifies procedures for sending samples to the a laboratory, identifies

parameters for analysis, holding times and preservatives, laboratory quantization levels, and analytical methods, and that specifies the procedure for submitting the results to Ecology.

III. MONITORING AND REPORTING VIOLATIONS.

A. Failure to Collect Quarterly Samples.

Condition S4.B of the Permits requires Brown Line to collect a sample of its stormwater discharge once during every calendar quarter. Conditions S3.B.5.b and S4.B.2.c of the Permits require Brown Line to collect stormwater samples at each distinct point of discharge offsite except for substantially identical outfalls, in which case only one of the substantially identical outfalls must be sampled. Discharge points may include, but are not limited to drains, piers, docks, loading areas, and fueling areas where industrial activities occur. Conditions S3.B.5.b and S4.B.2.c set forth sample collection criteria, but require the collection of a sample even if the criteria cannot be met.

Brown Line violated these requirements by failing to collect stormwater samples at any of its discharge points during the following quarters:

3rd Quarter 2012
4th Quarter 2013
3rd Quarter 2014
2nd Quarter 2015

These violations have occurred and continue to occur each and every quarter during the last five years that Brown Line was and is required to sample its stormwater discharges, including the quarters in which it collected stormwater discharge samples from some, but not all, points of discharge. These violations will continue until Brown Line commences monitoring all distinct points of discharge and taking representative samples.

B. Failure to Analyze Quarterly Samples.

Conditions S5.A.1 and S5.B.1 of the Permits require Brown Line to analyze stormwater samples collected quarterly for turbidity, pH, total copper, total zinc, oil sheen, and petroleum hydrocarbons (NWTPHDx).

Brown Line violated these conditions by failing to analyze stormwater samples from each distinct discharge point for any of the required parameters during the following quarters as further specified in Table 1 above:

3rd Quarter 2010
4th Quarter 2010
1st Quarter 2011
3rd Quarter 2011
4th Quarter 2011
1st Quarter 2013
2nd Quarter 2013

4th Quarter 2013
1st Quarter 2014
2nd Quarter 2014
3rd Quarter 2014
4th Quarter 2014
1st Quarter 2015
2nd Quarter 2015
3rd Quarter 2015
4th Quarter 2015
1st Quarter 2016
2nd Quarter 2016

C. Failure to Timely Submit Discharge Monitoring Reports.

Condition S9.A of the Permits require Brown Line to use DMR forms provided or approved by Ecology to summarize, report and submit monitoring data to Ecology. Brown Line failed to properly submit DMRs For each monitoring period (calendar quarter) a DMR must be completed and submitted to Ecology not later than 45 days after the end of the monitoring period. Brown Line has violated these conditions by failing to timely submit a DMR within the time prescribed for the following quarters:

4th Quarter 2010 (Late)
2nd Quarter 2012 (Late)
4th Quarter 2013
2nd Quarter 2015 (Late)

D. Failure to Comply with Visual Monitoring Requirements.

Condition S7.A of the Permits requires that monthly visual inspections be conducted at the facility by qualified personnel. Each inspection is to include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged, observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharges, observations for the presence of illicit discharges, a verification that the descriptions of potential pollutant sources required by the permit are accurate, a verification that the site map in the SWPPP reflects current conditions, and an assessment of all BMPs that have been implemented (noting the effectiveness of the BMPs inspected, the locations of BMPs that need maintenance, the reason maintenance is needed and a schedule for maintenance, and locations where additional or different BMPs are needed).

Condition S7.C of the Permits requires that Brown Line record the results of each inspection in an inspection report or checklist that is maintained on-site and that documents the observations, verifications, and assessments required. The report/checklist must include the time and date of the inspection, the locations inspected, a statement that, in the judgment of the person conducting the inspection and the responsible corporate officer, the facility is either in compliance or out of compliance with the SWPPP and the Permits, a summary report and schedule of implementation of the remedial actions that Brown Line plans to take if the site inspection indicates that the facility is out of compliance, the name, title, signature and

certification of the person conducting the facility inspection, and a certification and signature of the responsible corporate officer or a duly authorized representative.

Brown Line is in violation of these requirements of Condition S7 of the Permits because, during the last five years, it has failed to conduct each of the requisite visual monitoring and inspections, failed to prepare and maintain the requisite inspection reports or checklists for each visual monitoring and inspection, and failed to make the requisite certifications and summaries for each visual monitoring and inspection.

IV. CORRECTIVE ACTION VIOLATIONS.

A. Violations of the Level One Requirements of the Permits.

Condition S8.B of the Permits requires Brown Line take specified actions, called a “Level One Corrective Action,” each time quarterly stormwater sample results exceed a benchmark value or are outside the benchmark range for pH. Condition S8.A of the 2015 Permit requires that Brown Line implement any Level One Corrective Action required by the 2010 Permit.

As described by Condition S8.B of the Permits, a Level One Corrective Action requires Brown Line: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit and contains the correct BMPs from the applicable Stormwater Management Manual; (2) make appropriate revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the 2010 Permit; and (3) summarize the Level One Corrective Action in the Annual Report required under Condition S9.B of the Permits. Condition S8.B.4 of the Permits requires that Brown Line implement the revised SWPPP as soon as possible, and no later than the DMR due date for the quarter the benchmark was exceeded.

Condition S5.A and Tables 2 and 3 of the Permits establish the following benchmarks: turbidity 25 NTU; pH 5 – 9 SU; total copper 14 µg/L; total zinc 117 µg/L; and petroleum hydrocarbons (diesel fraction NWTPHDx) <=10 mg/L.

Brown Line has violated the requirements of the Permits described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time since January 1, 2010, that quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Table 1 in Section I.A. of this letter.

These benchmark excursions are based upon information currently available to Waste Action Project from Ecology’s publicly available records. Waste Action Project provides notice of its intent to sue Brown Line for failing to comply with all of the Level One Corrective Action requirements described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and

certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time during the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Table 1 above.

B. Violations of the Level Two Requirements of the Permits.

Condition S8.C of the Permits requires Brown Line take specified actions, called a "Level Two Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any two quarters during a calendar year. Condition S8.A of the 2015 Permit requires that Brown Line implement any Level Two Corrective Action required by the 2010 Permit.

As described by Condition S8.C of the Permits, a Level Two Corrective Action requires Brown Line: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit; (2) make appropriate revisions to the SWPPP to include additional structural source control BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and sign and certify the revised SWPPP in accordance with Condition S3 of the Permits; and (3) summarize the Level Two Corrective Action (planned or taken) in the Annual Report required under Condition S9.B of the Permits. Condition S8.C.4 of the Permits requires that Brown Line implement the revised SWPPP according to Condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than August 31st of the following year.

The Permits establish the benchmarks applicable to Brown Line described in Section IV.A of this notice of intent to sue letter.

Brown Line has violated the requirements of the Permits described above by failing to conduct a Level Two Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs to ensure that all points of discharge from the facility meet benchmarks (not just the sampled point of discharge), including additional structural source control BMPs, and the required summarization in the annual report each time during the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any two quarters during a calendar year. As indicated in Table 1 in Section I.A of this letter, these violations include, but are not limited to, Brown Line's failure to fulfill these obligations for turbidity, zinc, and copper triggered by its stormwater sampling during the calendar year of 2013 and every year since.

The benchmark excursions identified in Table 1 of this notice of intent to sue letter are based upon information currently available to Waste Action Project from Ecology's publicly available records. Waste Action Project provides notice of its intent to sue Brown Line for failing to comply with all of the Level Two Corrective Action requirements each and every time quarterly stormwater sample results exceeded an applicable benchmark value or were outside the benchmark range for pH for any two quarters during a calendar year, including any such excursions that are not reflected in Table 1 above, during the last five years.

C. Violations of the Level Three Requirements of the Permits.

Condition S8.D of the Permits requires Brown Line to take specified actions, called a "Level Three Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any three quarters during a calendar year. Condition S8.A of the 2015 Permit requires that Brown Line implement any Level Three Corrective Action required by the 2010 Permit.

As described by Condition S8.D of the Permits, a Level Three Corrective Action requires that Brown Line: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits; (2) make appropriate revisions to the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and additional operational and/or structural source control BMPs if necessary for proper function and maintenance of treatment BMPs, and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level Three Corrective Action (planned or taken) in the Annual Report required under Condition S9.B of the Permits, including information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed. Condition S8.D.2.b of the Permits requires that a licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality must design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.

Condition S8.D.3 of the Permits requires that, before installing BMPs that require the site-specific design or sizing of structures, equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, Brown Line submit an engineering report, plans, and specifications, and an operations and maintenance manual to Ecology for review in accordance with chapter 173-204 of the Washington Administrative Code. The engineering report must be submitted no later than the May 15 prior to the Level Three Corrective Action Deadline. The plans and specifications and the operations and maintenance manual must be submitted to Ecology at least 30 days before construction/installation.

Condition S8.D.5 of the Permits requires that Brown Line fully implement the revised SWPPP according to condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The Permits establish the benchmarks applicable to Brown Line described in Section IV.A of this notice of intent to sue letter.

Brown Line has violated the requirements of the Permits described above by failing to conduct a Level Three Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, including the requirement to have a specified professional design and stamp the portion of the SWPPP pertaining to treatment, the required implementation of additional BMPs, including additional treatment BMPs to ensure that all points of discharge from the facility meet benchmarks (not just the sampled point of

discharge), the required submission of an engineering report, plans, specifications, and an operations and maintenance plan, and the required summarization in the annual report each time during the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any three quarters during a calendar year. As indicated in Table 1 in Section I.A of this letter, these violations include, but are not limited to, Brown Line's failure to fulfill these obligations for turbidity and zinc triggered by its stormwater sampling during the calendar year of 2013.

The benchmark excursions identified in Table 1 of this notice of intent to sue letter are based upon information currently available to Waste Action Project from Ecology's publicly available records. Waste Action Project provides notice of its intent to sue Brown Line for failing to comply with all of the Level Three Corrective Action requirements each and every time quarterly stormwater sample results exceeded an applicable benchmark value or were outside the benchmark range for pH for any three quarters during a calendar year, including any such excursions that are not reflected in Table 1 above, during the last five years.

V. VIOLATIONS OF THE ANNUAL REPORT REQUIREMENTS.

Condition S9.B of the Permits requires Brown Line to submit an accurate and complete annual report to Ecology no later than May 15 of each year. The annual report must include corrective action documentation as required in Condition S8.B through S8.D. If a corrective action is not yet completed at the time of submission of the annual report, Brown Line must describe the status of any outstanding corrective action. Specific information to be included in the annual report is identification of the conditions triggering the need for corrective action, description of the problem and identification of dates discovered, summary of any Level 1, 2, or 3 corrective actions completed during the previous calendar year, including the dates corrective actions completed, and description of the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, including identification of the date Brown Line expects to complete corrective actions. Brown Line has violated this condition by failing to include all of the required information in the annual report it submitted for the past five years.

The annual report submitted by Brown Line for 2010 (submitted May 25, 2011) does not include the required information. Brown Line claimed they did not exceed any benchmark for any parameter and did not describe any problems and corrective actions.

The annual report submitted by Brown Line for 2011 (submitted on May 18, 2012) does not include the required information. Brown Line again claimed they did not exceed any benchmark for any parameter and did not describe any problems and corrective actions.

The annual report submitted by Brown Line for 2012 (submitted late on July 26, 2013) does not include the required information. Brown Line again claimed they did not exceed any benchmark for any parameter and did not describe any problems and corrective actions.

Brown Line failed to submit an annual report for 2013.

Brown Line failed to submit an annual report for 2014.

Brown Line failed to submit an annual report for 2015.

VI. VIOLATIONS OF THE RECORDKEEPING REQUIREMENTS.

A. Failure to Record Information.

Condition S4.B.3 of the Permits requires Brown Line record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if Brown Line collected the sample within the first 30 minutes of stormwater discharge event, an explanation of why Brown Line could not collect a sample within the first 30 minutes of a stormwater discharge event, the sample location, method of sampling and of preservation, and the individual performing the sampling. Upon information and belief, Brown Line is in violation of these conditions as it has not recorded each of these specified items for each sample taken during the last five years.

B. Failure to Retain Records.

Condition S9.C of the Permits requires Brown Line to retain for a minimum of five years a copy of the Permits, a copy of Brown Line's coverage letter, records of all sampling information, inspection reports including required documentation, any other documentation of compliance with permit requirements, all equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory results, copies of all required reports, and records of all data used to complete the application for the Permits. Upon information and belief, Brown Line is in violation of these conditions because it has failed to retain records of such information, reports, and other documentation during the last five years.

VII. PROHIBITED DISCHARGES.

Condition S5.E. of the Permits prohibits illicit discharges and the discharge of process wastewater. Appendix 2 of the Permits defines "illicit discharges" to include "any *discharge* that is not composed entirely of *stormwater* except (1) discharges authorized pursuant to a separate NPDES permit, or (2) conditionally authorized non-stormwater discharge identified in Condition S5.D." Appendix 2 of the Permits defines stormwater as "that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface water body, or a constructed infiltration facility." In contrast to stormwater, Appendix 2 of the Permits defines leachate as "water or other liquid that has percolated through raw material, product, or waste and contains substances in solution or suspension as a result of the contact with these materials." and process wastewater as "any non-stormwater which, during manufacturing or processing, comes into direct contact or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product."

On information and belief, Brown Line has violated and continues to violate these conditions due to its non-stormwater discharges from the Facility. These non-stormwater

discharges from the Facility may include, but are not limited to, discharges of wash water from the wheel wash and/or other equipment washing areas.

VIII. REQUEST FOR SWPPP.

Pursuant to Condition S9.F of the 2015 Permit, Waste Action Project hereby requests that Brown Line Inc. provide a copy of, or access to, its SWPPP complete with all incorporated plans, monitoring reports, checklists, and training and inspection logs. The copy of the SWPPP and any other communications about this request should be directed to the undersigned at the letterhead address.

Should Brown Line fail to provide the requested complete copy of, or access to, its SWPPP as required by Condition S9.F of the 2015 Permit, it will be in violation of that condition, which violation shall also be subject to this Notice of Intent to Sue and any ensuing lawsuit.

IX. CONCLUSION.

The above-described violations reflect those indicated by the information currently available to Waste Action Project. These violations are ongoing. Waste Action Project intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), each of the above-described violations subjects the violator to a penalty of up to \$37,500 per day for each violation. In addition to civil penalties, Waste Action Project will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 U.S.C. § 1365(a) and (d), and such other relief as is permitted by law. Also, Section 505(d) of the CWA, 33 USC § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

Waste Action Project believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. Waste Action Project intends, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Brown Line under Section 505(a) of the Clean Water Act for the violations described herein.

Waste Action Project is willing to discuss effective remedies for the violations described in this letter and settlement terms during the 60-day notice period. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within ten (10) days of receiving this notice so that a meeting can be arranged and so that negotiations may be completed promptly. We do not intend to delay the filing of a complaint if discussions are continuing when the notice period ends.

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
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2011	Precip. (in)	Events
Jun	sum	
	1	0
	2	0
	3	0
	4	0
	5	0
	6	0.91
	7	0.09
	8	0
	9	0
	10	0
	11	0
	12	0
	13	0.03
	14	0
	15	0.04
	16	0
	17	0
	18	0.33
	19	0
	20	0
	21	0
	22	0
	23	0
	24	0
	25	0
	26	0
	27	0
	28	0
	29	0.02
	30	0.25

2011	Precip. (in)	Events
Jul	sum	
1	0.04	
2	0	
3	0.04	
4	0	
5	0	
6	0	
7	0	
8	0.01	
9	0	

10	0
11	0
12	0
13	0.07
14	0.16
15	0
16	0.11
17	0.06
18	0
19	0
20	0
21	0.12
22	0
23	0
24	0
25	0.16
26	0
27	0
28	0
29	0
30	0
31	0

2011	Precip. (in)	Events
Aug	sum	
1	0	
2	0	
3	0	
4	0	
5	0	
6	0	
7	0	
8	0	
9	0	
10	0	
11	0	
12	0	
13	0	
14	0	
15	0	
16	0	
17	0	
18	0	
19	0	
20	0	

	2011	Precip. (in)	Events
		sum	
	1	0	
	2	0	
	3	0	
	4	0	
	5	0	
	6	0	
	7	0	
	8	0	
	9	0	
	10	0	
	11	0	
	12	0	
	13	0	
	14	0	
	15	0	
	16	0	
	17	0	
	18	0	
	19	0	
	20	0	
	21	0	
	22	0.39	
	23	0	
	24	0	
	25	0.09	
	26	0.26	
	27	0.03	
	28	0	
	29	0	
	30	0	
	31	0	

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
2011	Precip. (in)	Events						
Oct	sum		9	0		21	0	
1	0		10	0		22	0	
2	0.02		11	0.46		23	0	
3	0		12	0.3		24	0.15	
4	0		13	0.04		25	0.03	
5	0.1		14	0		26	0.06	
6	0		15	0		27	0.11	
7	0.27		16	0		28	0.08	
8	0		17	0.01		29	0.13	
9	0		18	0.09		30	0.09	
10	0.01		19	0		31	0	
11	0.07		20	0		2012	Precip. (in)	Events
12	0		21	0.03		Jan	sum	
13	0		22	0.69		1	0	
14	0		23	0.43		2	0.13	
15	0		24	0.11		3	0.12	
16	0		25	0		4	0.33	
17	0		26	0		5	0.19	
18	0		27	0.13		6	0	
19	0		28	0		7	0.02	
20	0.07		29	0		8	0	
21	0.07		30	0		9	0	
22	0.42		2011	Precip. (in)	Events	10	0	
23	0		Dec	sum		11	0	
24	0		1	0		12	0	
25	0		2	0		13	0	
26	0.01		3	0.03		14	0.27	
27	0		4	0		15	0.08	
28	0.24		5	0		16	0	
29	0		6	0		17	0.09	
30	0.07		7	0		18	0.01	
31	0		8	0		19	0	
2011	Precip. (in)	Events	9	0		20	0.07	
Nov	sum		10	0		21	0.25	
1	0		11	0		22	0.03	
2	0.32		12	0		23	0	
3	0.06		13	0		24	0.11	
4	0		14	0		25	0.07	
5	0		15	0.03		26	0	
6	0		16	0.01		27	0	
7	0.09		17	0		28	0	
8	0.05		18	0.18		29	0.45	
			19	0		30	0.01	
			20	0.02		31	0	

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
2012	Precip. (in)	Events						
Feb	sum		11	0.23		22	0	
1	0.22		12	0.11		23	0	
2	0		13	0.29		24	0.14	
3	0		14	0		25	0.13	
4	0		15	0		26	0.36	
5	0		16	0.03		27	0.01	
6	0		17	0.1		28	0	
7	0		18	0.03		29	0.03	
8	0.04		19	0		30	0.37	
9	0.24		20	0.08		2012	Precip. (in)	Events
10	0.02		21	0.29		May	sum	
11	0		22	0		1	0.23	
12	0.01		23	0		2	0	
13	0.07		24	0		3	0.24	
14	0.04		25	0		4	0.22	
15	0		26	0.04		5	0.04	
16	0.04		27	0		6	0	
17	0.29		28	0		7	0	
18	0.34		29	0.55		8	0	
19	0		30	0.12		9	0	
20	0.02		31	0.06		10	0	
21	1.65		2012	Precip. (in)	Events	11	0	
22	0.14		Apr	sum		12	0	
23	0		1	0.25		13	0	
24	0.01		2	0		14	0	
25	0.18		3	0.49		15	0	
26	0		4	0		16	0	
27	0		5	0		17	0	
28	0		6	0		18	0	
29	0.03		7	0		19	0	
2012	Precip. (in)	Events	8	0		20	0.29	
Mar	sum		9	0		21	0.4	
1	0.02		10	0		22	0.07	
2	0.09		11	0.22		23	0.16	
3	0.13		12	0		24	0	
4	0		13	0		25	0	
5	0.15		14	0		26	0	
6	0.14		15	0		27	0	
7	0		16	0.54		28	0.01	
8	0		17	0.02		29	0.01	
9	0.19		18	0.01		30	0.03	
10	0.2		19	0.58		31	0.05	
			20	0.28		2012	Precip. (in)	Events
			21	0				

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
Jun	sum		11	0		21	0	
1	0.18		12	0		22	0	
2	0.03		13	0.19		23	0	
3	0		14	0		24	0	
4	0.03		15	0		25	0	
5	0.14		16	0		26	0	
6	0		17	0		27	0	
7	0.13		18	0		28	0	
8	0		19	0		29	0.02	
9	0		20	0.15		30	0	
10	0		21	0		31	0	
11	0		22	0.16				
12	0		23	0.05		2012	Precip. (in)	Events
13	0		24	0		Sep	sum	
14	0		25	0		1	0	
15	0		26	0		2	0	
16	0.52		27	0		3	0	
17	0.3		28	0		4	0	
18	0.24		29	0		5	0	
19	0.03		30	0		6	0	
20	0		31	0		7	0	
21	0					8	0	
22	0.57		2012	Precip. (in)	Events	9	0	
23	0.6		Aug	sum		10	0.13	
24	0		1	0		11	0	
25	0		2	0		12	0	
26	0		3	0		13	0	
27	0		4	0		14	0	
28	0.02		5	0		15	0	
29	0		6	0		16	0	
30	0.07		7	0		17	0.85	
2012	Precip. (in)	Events	8	0		18	0	
Jul	sum		9	0		19	0	
1	0		10	0		20	0	
2	0.06		11	0		21	0	
3	0.54		12	0		22	0	
4	0		13	0		23	0	
5	0		14	0.97		24	0	
6	0		15	0		25	0	
7	0		16	0		26	0	
8	0		17	0		27	0	
9	0		18	0		28	0	
10	0		19	0		29	0	
			20	0		30	0	

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
2012	Precip. (in)	Events						
Oct	sum		7	0		18	0	
1	0		8	0		19	0.07	
2	0		9	0		20	0.3	
3	0		10	0		21	0.01	
4	0		11	0.2		22	0.1	
5	0		12	0.01		23	0.1	
6	0		13	0.34		24	0.03	
7	0		14	0.01		25	0.1	
8	0		15	0		26	0.14	
9	0		16	0.06		27	0.02	
10	0		17	0.43		28	0	
11	0		18	0.05		29	0.14	
12	0.14		19	1.08		30	0	
13	0.26		20	0.02		31	0	
14	0.28		21	0.19				
15	0.44		22	0.02		2013	Precip. (in)	Events
16	0		23	0.3		Jan	sum	
17	0		24	0		1	0	
18	0.34		25	0		2	0	
19	0.23		26	0		3	0	
20	0		27	0		4	0	
21	0.04		28	0.01		5	0.1	
22	0.12		29	0.04		6	0.16	
23	0.09		30	0.19		7	0.33	
24	0.07					8	0.29	
25	0.08		2012	Precip. (in)	Events	9	0.28	
26	0.17		Dec	sum		10	0.08	
27	0.33		1	0.02		11	0	
28	0.07		2	0.17		12	0	
29	0.05		3	0		13	0	
30	0.39		4	0.25		14	0	
31	0.31		5	0		15	0	
2012	Precip. (in)	Events	6	0.13		16	0	
Nov	sum		7	0.31		17	0	
1	0.01		8	0		18	0	
2	1.03		9	0.06		19	0	
3	0.02		10	0.17		20	0	
4	0.29		11	0.21		21	0	
5	0		12	0.14		22	0	
6	0.01		13	0.7		23	0.13	
			14	0.08		24	0.05	
			15	0.11		25	0	
			16	0.02		26	0.46	
			17	0.23		27	0.55	

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
28	0.28		6	0.29		16	0	
29	0.69		7	0.1		17	0	
30	0.25		8	0		18	0.35	
31	0.19		9	0		19	0.51	
2013	Precip.	Events	10	0		20	0.04	
Feb	sum		11	0.05		21	0	
1	0		12	0.39		22	0.97	
2	0		13	0.26		23	0	
3	0.14		14	0.05		24	0	
4	0.01		15	0.02		25	0	
5	0		16	0.14		26	0	
6	0		17	0		27	0.14	
7	0.05		18	0.06		28	0	
8	0		19	0		29	0.03	
9	0		20	0.38		30	0.07	
10	0		21	0		2013	Precip.	Events
11	0.01		22	0		May	sum	
12	0		23	0		1	0	
13	0.01		24	0.98		2	0	
14	0.12		25	0		3	0	
15	0		26	0		4	0	
16	0		27	0		5	0	
17	0.15		28	0		6	0	
18	0		29	0		7	0	
19	0.28		30	0		8	0.73	
20	0		31	0		9	0	
21	0.09		2013	Precip.	Events	10	0	
22	0.29		Apr	sum		11	0	
23	0.05		1	0		12	0.22	
24	0		2	0		13	0.21	
25	1.47		3	0		14	0	
26	0		4	0.22		15	0.05	
27	1.01		5	0.45		16	0	
28	0.24		6	0.62		17	0.16	
2013	Precip.	Events	7	0.86		18	0.18	
Mar	sum		8	0.02		19	0	
1	0.09		9	0		20	0	
2	0.02		10	0.15		21	0.29	
3	0		11	0		22	0.36	
4	0		12	0.17		23	0.02	
5	0.01		13	0.27		24	0	
			14	0.02		25	0.01	
			15	0.77		26	0.33	

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
	27	0.12		3	0		13	0
	28	0		4	0		14	0.15
	29	0.01		5	0		15	0.01
	30	0.24		6	0		16	0
	31	0		7	0		17	0
2013	Precip.	Events		8	0		18	0
	(in)			9	0		19	0
Jun	sum			10	0		20	0
	1	0		11	0		21	0
	2	0		12	0		22	0
	3	0		13	0		23	0
	4	0		14	0		24	0.05
	5	0		15	0		25	0
	6	0		16	0		26	0
	7	0		17	0		27	0.06
	8	0		18	0		28	0.07
	9	0		19	0		29	0.45
	10	0		20	0		30	0
	11	0		21	0		31	0
	12	0.01		22	0	2013	Precip.	Events
	13	0		23	0		(in)	
	14	0		24	0	Sep	sum	
	15	0		25	0		1	0
	16	0		26	0.03		2	0
	17	0.01		27	0		3	0.12
	18	0		28	0		4	0
	19	0		29	0		5	0.28
	20	0.49		30	0		6	0.35
	21	0.68		31	0		7	0
	22	0	2013	Precip.	Events		8	0
	23	0.01		(in)			9	0
	24	0.04	Aug	sum			10	0
	25	0.14		1	0		11	0
	26	0.01		2	0.24		12	0
	27	0.07		3	0		13	0
	28	0		4	0		14	0
	29	0		5	0.3		15	0.28
	30	0		6	0		16	0.3
2013	Precip.	Events		7	0		17	0
	(in)			8	0		18	0
Jul	sum			9	0		19	0
	1	0		10	0		20	0.04
	2	0		11	0.05		21	0
				12	0		22	0.26
							23	0.25

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
	24	0		2	0.56		14	0
	25	0.02		3	0.09		15	0.08
	26	0		4	0.04		16	0
	27	0.15		5	0.07		17	0
	28	0.74		6	0.01		18	0
	29	0.19		7	0.28		19	0
	30	0.18		8	0.01		20	0.29
				9	0		21	0.16
2013	Precip.	Events		10	0		22	0.47
	(in)			11	0		23	0.26
Oct	sum			12	0.01		24	0
	1	0.15		13	0.01		25	0
	2	0.53		14	0.23		26	0.01
	3	0		15	0.86		27	0.14
	4	0		16	0.04		28	0
	5	0		17	0.01		29	0
	6	0		18	0.44		30	0.05
	7	0.29		19	0.23		31	0.04
	8	0.06		20	0			
	9	0		21	0	2014	Precip.	Events
	10	0		22	0		(in)	
	11	0		23	0	Jan	sum	
	12	0.02		24	0		1	0
	13	0		25	0		2	0.6
	14	0		26	0		3	0
	15	0		27	0		4	0
	16	0		28	0		5	0
	17	0		29	0.04		6	0
	18	0		30	0.3		7	0.38
	19	0					8	0.07
	20	0	2013	Precip.	Events		9	0.01
	21	0		(in)			10	0.15
	22	0	Dec	sum			11	0.44
	23	0		1	0.46		12	0.57
	24	0		2	0.04		13	0.03
	25	0		3	0.84		14	0
	26	0		4	0		15	0
	27	0.12		5	0		16	0
	28	0		6	0		17	0
	29	0		7	0		18	0
	30	0		8	0		19	0
	31	0.18		9	0		20	0
2013	Precip.	Events		10	0		21	0
	(in)			11	0		22	0.04
Nov	sum			12	0.05		23	0
	1	0.03		13	0.03		24	0

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
25	0		5	0.55		16	0.25	
26	0		6	0.12		17	0.44	
27	0		7	0.02		18	0	
28	0		8	0.1		19	0.06	
29	0.58		9	0.01		20	0	
30	0.56		10	0.01		21	0.02	
31	0.02		11	0		22	0.26	
2014	Precip.	Events	12	0		23	0.07	
Feb	(in)		13	0		24	0.88	
	sum		14	0.79		25	0.14	
1	0		15	0.4		26	0.11	
2	0		16	0.65		27	0.09	
3	0		17	0		28	0.08	
4	0		18	0		29	0	
5	0		19	0.33		30	0	
6	0		20	0		2014	Precip.	Events
7	0		21	0		May	(in)	
8	0		22	0			sum	
9	0		23	0		1	0	
10	0.32		24	0		2	0	
11	0.05		25	0.14		3	0.08	
12	0.01		26	0.03		4	0.33	
13	0.1		27	0		5	0.19	
14	0.03		28	0.12		6	0	
15	0.11		29	0.08		7	0	
16	0.18		30	0.21		8	0.65	
17	0.22		31	0		9	0.58	
18	0.12		2014	Precip.	Events	10	0	
19	0.05		Apr	(in)		11	0	
20	0.02			sum		12	0	
21	0.01		1	0		13	0	
22	0.37		2	0		14	0	
23	0.75		3	0		15	0	
24	0.48		4	0.17		16	0	
25	0.01		5	0.12		17	0	
26	0		6	0		18	0	
27	0.01		7	0		19	0	
28	0		8	0.19		20	0	
2014	Precip.	Events	9	0.39		21	0	
Mar	(in)		10	0		22	0	
	sum		11	0		23	0.22	
1	0.02		12	0		24	0	
2	0.19		13	0		25	0.11	
3	0.24		14	0		26	0.1	
4	0.17		15	0.06		27	0	

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
	28	0		6	0		17	0
	29	0.08		7	0		18	0
	30	0		8	0		19	0
	31	0		9	0		20	0
2014	Precip.	Events		10	0		21	0
	(in)			11	0		22	0.04
Jun	sum			12	0		23	0
	1	0		13	0		24	0
	2	0		14	0		25	0
	3	0		15	0		26	0
	4	0		16	0		27	0
	5	0		17	0		28	0
	6	0		18	0		29	0
	7	0		19	0.02		30	0.05
	8	0		20	0		31	0
	9	0		21	0	2014	Precip.	Events
	10	0.02		22	0		(in)	
	11	0		23	1	Sep	sum	
	12	0.02		24	0.36		1	0
	13	0.49		25	0		2	1.12
	14	0.07		26	0		3	0.01
	15	0.04		27	0		4	0
	16	0.01		28	0		5	0
	17	0		29	0		6	0
	18	0		30	0		7	0
	19	0		31	0		8	0
	20	0	2014	Precip.	Events		9	0
	21	0		(in)			10	0
	22	0	Aug	sum			11	0
	23	0		1	0		12	0
	24	0		2	0		13	0
	25	0		3	0		14	0
	26	0		4	0		15	0
	27	0.16		5	0		16	0
	28	0.03		6	0		17	0.06
	29	0.05		7	0		18	0.12
	30	0		8	0		19	0.03
2014	Precip.	Events		9	0		20	0
	(in)			10	0		21	0
Jul	sum			11	0		22	0.01
	1	0		12	0.01		23	0.21
	2	0		13	0.37		24	0.36
	3	0		14	0.32		25	0
	4	0		15	0		26	0.35
	5	0		16	0.87		27	0

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
	28	0		6	0.22		18	0.09
	29	0		7	0		19	0
	30	0		8	0		20	0.31
2014	Precip.	Events		9	0.15		21	0.03
	(in)			10	0		22	0
Oct	sum			11	0		23	0.56
	1	0		12	0		24	0.21
	2	0		13	0		25	0
	3	0		14	0		26	0
	4	0		15	0		27	0.26
	5	0		16	0		28	0.06
	6	0		17	0.93		29	0
	7	0		18	0		30	0
	8	0		19	0		31	0
	9	0		20	0.02	2015	Precip.	Events
	10	0		21	0.24		(in)	
	11	0.5		22	0.22	Jan	sum	
	12	0.01		23	0.37		1	0
	13	1.87		24	0.27		2	0.14
	14	0.37		25	0.55		3	0
	15	0.23		26	0.01		4	0.72
	16	0		27	0.01		5	1.6
	17	0.04		28	0.72		6	0
	18	0		29	0		7	0
	19	0.01		30	0		8	0
	20	0.09	2014	Precip.	Events		9	0
	21	0.05		(in)			10	0
	22	0.28	Dec	sum			11	0.08
	23	0.19		1	0		12	0
	24	0.06		2	0		13	0
	25	0.41		3	0		14	0
	26	0.21		4	0.06		15	0
	27	0		5	0.03		16	0.03
	28	0.06		6	0.16		17	0.29
	29	0.21		7	0		18	0.23
	30	0.26		8	0.34		19	0.13
	31	0.58		9	0.18		20	0
2014	Precip.	Events		10	0.42		21	0
	(in)			11	0.44		22	0.06
Nov	sum			12	0		23	0.43
	1	0		13	0		24	0.16
	2	0.03		14	0		25	0
	3	0.27		15	0		26	0
	4	0.22		16	0		27	0
	5	0.09		17	0.07		28	0

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
29	0		9	0		20	0	
30	0		10	0		21	0.03	
31	0		11	0.06		22	0.12	
2015	Precip.	Events	12	0		23	0.32	
	(in)		13	0		24	0.03	
Feb	sum		14	0.19		25	0.11	
1	0.02		15	0.76		26	0	
2	0.17		16	0		27	0.02	
3	0.07		17	0		28	0	
4	0.11		18	0		29	0	
5	0.11		19	0.12		30	0	
6	0.09		20	0.05		2015	Precip.	Events
7	0.51		21	0.42			(in)	
8	0.11		22	0.01		May	sum	
9	0.11		23	0		1	0	
10	0.26		24	0.04		2	0	
11	0		25	0.15		3	0	
12	0		26	0		4	0.06	
13	0.21		27	0.21		5	0.45	
14	0.02		28	0.01		6	0	
15	0		29	0		7	0	
16	0		30	0.01		8	0	
17	0		31	0.07		9	0	
18	0		2015	Precip.	Events	10	0	
19	0.15			(in)		11	0	
20	0.07		Apr	sum		12	0	
21	0		1	0.02		13	0.09	
22	0		2	0.01		14	0.01	
23	0		3	0.97		15	0	Fog
24	0		4	0.03		16	0	
25	0.03		5	0		17	0	
26	0		6	0		18	0	
27	0.26		7	0		19	0	
28	0		8	0		20	0	
2015	Precip.	Events	9	0		21	0	
	(in)		10	0.02		22	0	
Mar	sum		11	0.04		23	0.01	
1	0		12	0.03		24	0	
2	0		13	0.12		25	0	
3	0		14	0		26	0	
4	0		15	0		27	0	
5	0		16	0		28	0	
6	0		17	0		29	0	
7	0		18	0		30	0	
8	0		19	0		31	0	Fog

Weather History for Skagit Regional Airport (KBVS)

Downloaded from <http://www.wunderground.com/history/airport/KBVS/>

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
2015	Precip. (in)	Events						
Jun	sum		10	0		21	0.05	
1	0.04		11	0		22	0	
2	0.14		12	0		23	0	
3	0.02		13	0		24	0	
4	0		14	0		25	0	
5	0		15	0		26	0	
6	0		16	0		27	0	
7	0		17	0		28	0.09	
8	0		18	0		29	0.35	
9	0		19	0		30	0.34	
10	0		20	0		31	0.26	
11	0		21	0		2015	Precip. (in)	Events
12	0		22	0		Sep	sum	
13	0		23	0		1	0.42	
14	0		24	0		2	0.18	
15	0		25	0		3	0.01	
16	0		26	0		4	0.21	Fog
17	0		27	0		5	0	Fog
18	0.24		28	0		6	0.44	Fog
19	0.01		29	0		7	0	Fog
20	0	Fog	30	0		8	0.02	
21	0		31	0.03		9	0	Fog
22	0		2015	Precip. (in)	Events	10	0	Fog
23	0		Aug	sum		11	0	
24	0		1	0		12	0	
25	0		2	0		13	0	Fog
26	0		3	0		14	0	
27	0		4	0		15	0	
28	0		5	0		16	0	
29	0.01		6	0		17	0.1	
30	0		7	0		18	0.21	
2015	Precip. (in)	Events	8	0		19	0	
Jul	sum		9	0		20	0.38	Fog
1	0		10	0		21	0	Fog
2	0		11	0		22	0	
3	0		12	0		23	0	
4	0		13	0		24	0.06	
5	0		14	0.22		25	0.03	Fog
6	0		15	0		26	0	Fog
7	0		16	0	Fog	27	0	
8	0		17	0	Fog	28	0	Fog
9	0	Fog	18	0		29	0	Fog
			19	0		30	0	
			20	0				

Weather History for Skagit Regional Airport (KBVS)

Downloaded from <http://www.wunderground.com/history/airport/KBVS/>

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events					
2015 Oct	Precip. (in)	Events	9	0	Fog	21	0.52						
	sum		10	0.1	Fog	22	0.15						
		1	0	Fog	11	0.03	23	0.28					
		2	0	Fog	12	0.6	24	0.1					
		3	0		13	1.45	25	0					
		4	0		14	0.84	26	0					
		5	0	Fog	15	0.47	27	0.39					
		6	0		16	0.06	28	0.01	Fog				
		7	0.48		17	1.24	29	0					
		8	0	Fog	18	0	30	0					
		9	0	Fog	19	0	31	0					
		10	0.24		20	0	2016 Jan	Precip. (in)	Events				
		11	0		21	0		sum					
		12	0.04		22	0			1	0			
		13	0		23	0.25			2	0	Fog		
		14	0	Fog	24	0.02			3	0			
		15	0		25	0			4	0.01			
		16	0		26	0			5	0.06			
		17	0		27	0			6	0			
		18	0		28	0			7	0	Fog		
		19	0	Fog	29	0			8	0			
		20	0	Fog	30	0			9	0			
		21	0	Fog	2015 Dec	Precip. (in)			Events	10	0		
		22	0	Fog		sum				11	0		
		23	0	Fog					1	0.07	12	0.03	
		24	0	Fog					2	0.01	13	0.14	
		25	0.4						3	0.29	14	0	
		26	0.01						4	0.26	15	0	
		27	0						5	0	16	0.16	
		28	0.42						6	0.14	17	0.02	
		29	0.09						7	0.08	18	0	
		30	0.27						8	0.84	19	0.16	
		31	1.25						9	0.29	20	0.05	
2015 Nov	Precip. (in)	Events	10	0.23						21	0.14		
	sum		11	0						22	0.23		
		1	0.76	12					0.2	23	0.4		
		2	0	13					0.29	24	0		
		3	0.04	14					0	25	0		
		4	0	15					0.26	26	0.04		
		5	0.31	16					0	27	0.01		
		6	0	17					0.43	28	0.15		
		7	0.87	18					0.45	29	0.17		
8	0.05	Fog	19	0					30	0.12			
			20	0.12					31	0.06			

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
2016								
Feb	Precip. (in)	Events	11	0.06		22	0.37	
	sum		12	0		23	0.36	
1	0	Fog	13	0.07		24	0.09	
2	0		14	0.3		25	0	
3	0.06		15	0.09		26	0	
4	0		16	0	Fog	27	0	
5	0.09		17	0		28	0	
6	0.01		18	0		29	0	
7	0		19	0		30	0	
8	0		20	0.03		2016		
9	0		21	0		May	Precip. (in)	Events
10	0.08	Fog	22	0.09			sum	
11	0.29	Fog	23	0.36		1	0	
12	0.51		24	0.12		2	0	
13	0.26		25	0		3	0	
14	0.3		26	0.1		4	0.03	
15	1.5		27	0.25		5	0	
16	0.06	Fog	28	0		6	0	
17	0.5		29	0		7	0	
18	0.04		30	0		8	0.03	
19	0.37		31	0		9	0	Fog
20	0		2016			10	0	
21	0		Apr	Precip. (in)	Events	11	0	
22	0			sum		12	0	
23	0		1	0	Fog	13	0	
24	0		2	0		14	0	
25	0		3	0.03		15	0	
26	0.01		4	0.67		16	0	
27	0	Fog	5	0		17	0	
28	0.07		6	0		18	0.16	
29	0		7	0		19	0.21	
2016			8	0		20	0	
Mar	Precip. (in)	Events	9	0		21	0.11	
	sum		10	0		22	0	
1	0.24		11	0		23	0	
2	0		12	0.2		24	0	
3	0.03		13	0.14		25	0	
4	0.06		14	0.08		26	0	
5	0		15	0		27	0.04	
6	0.04		16	0		28	0.18	
7	0.93		17	0		29	0.26	
8	0		18	0		30	0	
9	0.04		19	0		31	0	
10	0		20	0		2016		
			21	0			Precip. (in)	Events

Date	Precip. (in)	Events	Date	Precip. (in)	Events	Date	Precip. (in)	Events
Jun	sum		12	0.01				
	1	0.05	13	0				
	2	0.03	14	0				
	3	0	15	0				
	4	0	16	0				
	5	0	17	0				
	6	0	18	0				
	7	0	19	0				
	8	0	20	0				
	9	0	21	0				
	10	0.04	22	0.03				
	11	0	23	0				
	12	0	24	0	Fog			
	13	0.43	25	0				
	14	0.27	26	0				
	15	0.01	27	0	Fog			
	16	0						
	17	0.01						
	18	0.46						
	19	0						
	20	0						
	21	0						
	22	0						
	23	0.34						
	24	0.02						
	25	0						
	26	0						
	27	0						
	28	0						
	29	0						
	30	0						
2016	Precip. (in)	Events						
Jul	sum							
	1	0						
	2	0						
	3	0						
	4	0						
	5	0.01						
	6	0						
	7	0						
	8	0						
	9	0.16						
	10	0						
	11	0						

ORA Division of Duties

RA Executive Assistant

- Manage calendars for RA, Policy Advisor, and Tribal Advisor
- Prepare travel for RA, Policy Advisor, and Tribal Advisor
- Prepare the weekly ET Agenda, Notes and Hot Topics every other Friday (1st Friday of pay period)
- Ensure an Acting RA is in place, when needed
- Post and update public web calendar (via Lotus Notes)
- Regional CMS Coordinator
- Maintain ET meeting rosters
- Ensure adequate admin staffing for the front office
- Conduct FOIA research for RA
- Assists with managing/archiving the RA's email records
- Archiving/EZ-Recording of Dennis' emails (Matt)
- Serve as the Regional CMS Coordinator following SOPs
- Timekeeper for the RA and DRA EA
- Co-lead the admin team
- Back-up DRA EA
- Process/log outgoing mail and correspondence
- Post ET Notes to ORA Info Page
- Update contact lists and org charts
- Filing
- Purchase Card Holder

DRA Executive Assistant

- Manage calendars for DRA and PA Director
- Prepare travel for DRA and PA Director
- Prepare the weekly ET Agenda, Notes and hot topics every other Friday (2nd Friday of pay period)
- Review incoming correspondence for the RA/DRA's signature
- Track deadlines and manage tasks for the DRA
- Assist the DRA with email management
- Records manager for the DRA
- Process PPFs after approval by DRA
- Serve as ORA FOIA Coordinator
- Timekeeper for ORA
- Maintain schedule for MMFs, assist with MMF presentations & meeting support
- Conduct FOIA research for DRA
- Co-lead the admin team
- Back-up RA EA
- PC Coordinator
- Filing
- Review, process/log, and distribute incoming mail

Reception/Other (Outsourced to RAD Admin Specialist)

- Provide administrative back-up to ORA

Special Assistant

- Manage external meetings, speeches and events for the RA and DRA
- Coordinate RA/DRA participation when Senior Officials from HQ visit Region 10
- Manages RA email, delegate assignments and manage follow-up as appropriate
- Collects background/read-ahead documents for the RA/DRA
- Prepares RA daily/weekly briefing materials
- Prepares talking points and other internal communication messages
- Lead the weekly and long-term calendar check
- Assists with managing/archiving the RA's email records
- Review CMS as requested and designate assignees
- ORA RICT Coordinator

Management Analyst/FCO (RAD)

- Coordinate travel and budget projections

Temporary Admin Coverage:

In the event that both EA's are out of the office, the DRA asks that ET Admin Staff provide support coverage for the front office. Our primary back-up will be Sharon Buza/RAD. Additional assistance is provided by the office of the month (listed at the right).

- Answer the main reception line (206-553-1234)
- Escort visitors from the PERC to RA Office for Meetings
- Contact RTP or PC Support for VTC or Conf Setup Support
- Open and date stamp incoming correspondence; give to DRA or PAD to review
- Review correspondence to be signed by the RA/DRA for grammar, formatting and errors; route for signature
- Print documents for the RA/DRA as requested

ET Admin Backup

March	OCE	Pam Grahner
April	OMP	Barb Legas
May	ORC	Candace Smith
June	OWW	Bella Patheal-Centenera
July	AWT	Julie McLeod
August	ECL	Jen Brave
September	OERA	Christine Kelly
October	OEA	Sharon Buza
November	OCE	Creagh Brownell
December	OMP	Barb Legas
January	ORC	Candace Smith
February	OWW	Bella Patheal-Centenera
March	AWT	Julie McLeod
April	ECL	Jen Brave

2016-2017

ORA Division of Duties